

CERTIFICATE OF EFS FILING UNDER 37 CFR § 1.8
I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on November 6, 2009:

Name: Sheryl L. Hutchings

Signature: Sheryl L. Hutchings

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Stephen F. Smith et al.

Appln. No.: 10/750,432

Filed: December 31, 2003

For: HYBRID SPREAD
SPECTRUM RADIO
SYSTEM

Attorney Docket No: 13489/056

Examiner: Burd, Kevin Michael

Art Unit: 2611

Confirmation No.: 1772

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MAIL STOP ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(d), Applicants hereby cite the following reference(s):

OTHER ART – NON PATENT LITERATURE DOCUMENTS

Notice of Allowance mailed October 16, 2009, for U.S. Pat. App. No. 11/648,021 (7 pgs).

Allowed Claims for U.S. Pat. App. No. 11/648,021 (20 pgs).

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Commonly Owned Applications

Pursuant to 37 CFR §1.56, Applicant and Applicant's attorney remind the Examiner of the existence of the commonly owned co-pending published U.S. patent application Serial No. 11/648,021. The Notice of Allowance and allowed claims of U.S. patent application Serial No. 11/648,021 are hereby made of record in the above-identified patent application.

Applicant respectfully requests the Examiner to review the claims and the prosecution history, including any Office Actions issued by the U.S. Patent and Trademark Office, since the filing of the information disclosure statement filed on March 3, 2009.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Pursuant to 37 CFR §1.97(e)(2), Applicants certify that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. Applicants have also calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicants have authorized charging the fee to a deposit account, as indicated in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

November 6, 2009

Date



Karl F. Horlander
(Reg. No. 63,147)